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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
October 27, 2009**

**Present:** Commissioners Lythgoe, Weber and Kirsch; Harold Stepper, County Planner; Tom Harrington, JLDC; Liz Burke and Katie Dykgreve, Youth Forestry Monitoring Program; Janet Cornish, Community Development Services of Montana; Lynn Moon, RMDC; Jason Crawford, Kadrmas, Lee and Jackson; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Gerry & Marty Keogh, Susie Hartman, Richard & DeDee Rhodes, Mike Gilles, Jim Culbert, Eddie Smith

**MINUTES**

Commissioner Weber moved to adopt the minutes of September 29. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of October 13, 2009. Commissioner Weber seconded. The motion carried.

**CORRESPONDENCE**

Commissioner Lythgoe noted the receipt of a contract with Headwaters for grant administration of the radionuclides in ground water study. Commissioner Weber explained that Jefferson County has received a grant from DNRC to test for radionuclides in ground water in the Boulder Batholith. We are contracting with Headwaters RC&D to administer the grant. Commissioner Lythgoe moved to sign the contract with Headwaters RC&D. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe noted the receipt of a notice from Justice Court regarding the destruction of records according to state statute.

Commissioner Lythgoe read a request from the Solid Waste department for transfer of the \$20,000 earmarked from PILT to deal with woody waste. Ben Sautter, board chair, included information used to track the expenses in disposing of the woody waste. Since July 1, 2009, the Solid Waste District has expended \$14,891.72 to cover the cost of woody waste.

Commissioner Lythgoe noted the receipt of the salary agreement with MSU for county agents. Commissioner Lythgoe signed the agreement and it will be sent back to MSU.

### **CALENDAR REVIEW**

10/28 CTAC - Whitehall - 8:00

Bio-mass meeting - Boulder City Hall - 10:30

11/03 Road safety meeting

### **COMMISSION REPORTS**

#### **FIRE COUNCIL**

Commissioner Kirsch reported that he attended the fire council meeting in Jefferson City on the 20<sup>th</sup>. He stated that it was a very smooth meeting.

#### **COMMUNITY CHANGE DINNER**

Commissioner Kirsch reported that he attended the community change dinner at the catholic parish the previous night. The dinner was quite well attended and there was a good presentation. Commissioner Weber stated that he also attended. He felt that good questions were asked and answered. One of the things that they focused on is that our community needs to be vocal and cohesive to make changes in underage drinking and driving.

#### **HEADWATERS RC&D**

Commissioner Weber last Thursday attended Headwaters RC&D meeting in Butte. He stated that the RC&D is reorganizing, and they have all new staff with the exception of one person. They were trying to get an executive director, but they were unsuccessful in that. They voted to enter a contract with Jim Davidson of Anaconda Development Corporation to provide 20 hours of executive director assistance to the RC&D. There is a new direction which he feels will be beneficial, and he thinks that the reorganization will help.

#### **UPPER JACKSON CREEK**

Commissioner Weber reported that he attended a meeting with Harley Harris and Dennis Owens regarding the lawsuit regarding Upper Jackson Creek Road the previous day.

#### **JLDC**

Commissioner Lythgoe reported that he attended the JLDC meeting. One group that they did hear from is the developers that are looking to develop on the south campus. They have been in contact with U of M-Helena regarding the renovation of some of the buildings on the south campus for a culinary school, or several other options. He isn't sure how the talks are going between the developer and U of M, but everything has been pretty encouraging so far. Commissioner Weber stated that when he was in Whitefish for training, he attended a dinner at the local culinary school. The dinner was phenomenal, and he would love to see something like that in Boulder. Commissioner Lythgoe stated that there are currently two culinary schools in the state and both are supportive of this concept, as they have no room to expand.

### COURTHOUSE TREES

Commissioner Kirsch stated that Cathy Bond called his attention to several trees around the courthouse that have dying limbs and are covered in webs. They thought the trees had spruce bud worms. Andrea Sarchet came over and looked at them, and her professor from MSU came up to look at them also. He will be writing up a report, but his findings are that it is from a lack of water. The City of Boulder has restricted watering to every other day and they feel that this is the first sign that they are suffering from lack of water.

### SUBDIVISION REVIEW

#### PRELIMINARY PLAT REVIEW – MOUNTAIN HORIZONS MAJOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and presented the stamped, engineered plans for the subdivision and noted the addition of a crushed gravel parking pad on each of the inside lots to provide additional off-street parking.

Harold recommended that preliminary plat approval be granted.

Commissioner Weber moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

### ITEMS FOR COMMISSIONERS ACTION OR REVIEW

#### YOUTH FORESTRY MONITORING PROGRAM PRESENTATION AND REQUEST FOR TITLE III FUNDS

Liz Burke, Youth Forestry Monitoring Program, stated that this year they were able to be in three towns – Deer Lodge, Helena and Lincoln. Over 40 sites were monitored and over 3,500 volunteer hours were given by the students. Liz stated that their funding request is less this year, as they were able to secure some Title II funding through the Missouri River RAC, which is giving them a head start on funding next summer's program. They are requesting that Jefferson County can provide \$5,500 from the old Title III funds, and they are also hoping to get a \$12,000 grant through the National Forest Foundation.

Katie Dykgreve, a member of the soil crew, did a presentation on what her team did over the past summer. They did some woodpecker monitoring, for both black-backed and three-toed woodpeckers. They didn't see many woodpeckers this year, and they are uncertain if the woodpeckers had moved to a better site or if they were monitoring at the wrong time of year. Katie then went over the figures for the soils monitoring that was done in two areas where prescribed burns had taken place to reduce ladder fuels and one site that had a fire the previous year.

Commissioner Lythgoe stated that, as always, he is amazed at how much the students learn in taking part in this project. Liz stated that Katie is looking at taking part in a college program

through the Forest Service that would pay her tuition and some of her books, as well as a semester internship with the Forest Service and a job with the Forest Service after she graduates.

Commissioner Lythgoe moved to use the old Title III monies in the amount of \$5,500 for the Youth Forestry Monitoring Program. Commissioner Weber seconded. The motion carried.

PUBLIC HEARING – PROPOSED APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ON BEHALF OF ROCKY MOUNTAIN DEVELOPMENT COUNCIL FOR THE BIG BOULDER RESIDENCES PROJECT

Commissioner Lythgoe called the public hearing to order and called for comments.

Lynn Moon, RMDC housing coordinator, thanked the Commission for the opportunity to request the Commission's assistance in sponsoring an application to the CDBG program for a portion of the funding for the Big Boulder Residences program.

They anticipate that this project will entail one large building that will have 32 units, another unit that will contain a four-plex, as well as a community room, storage unit, playground, community parking and resident parking. She stated that RMDC cannot apply for this grant themselves, it must come from a government entity. She presented the Commissioners with a proposed design of the project, which was developed through a public charet process and lots of opportunities for members of the community to make comments on how the project should look.

Commissioner Lythgoe stated that it is his understanding that the existing buildings will remain intact until the new buildings are constructed and then be demolished. Lynn stated that this is correct. Commissioner Lythgoe asked the total cost of the project. Lynn stated that they estimate it will be about \$8.2 million and they have already secured \$6.9 million in tax credit funds. They have applied for a HOME grant and a Federal Affordable Housing grant. If they do not receive one of those grants, it will be necessary to seek the CDBG monies.

Commissioner Weber asked if there is a local government match for this application. Lynn stated that there isn't a match requirement for housing applications.

Tom Harrington, JLDC, stated that the JLDC supports the CDBG application. One of the things that they have learned is that affordable, available housing is vital for economic development in an area. This will also be an economic shot in the arm for the community.

Hearing no further comments, Commissioner Lythgoe closed the public hearing.

RESOLUTION 34-2009 AUTHORIZE JEFFERSON COUNTY TO SUBMIT A CDBG APPLICATION FOR THE BIG BOULDER RESIDENCES PROJECT

Commissioner Weber read the resolution as follows:

**RESOLUTION 34-2009**

**RESOLUTION TO AUTHORIZE JEFFERSON COUNTY TO SUBMIT A  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR THE  
BIG BOULDER RESIDENCES PROJECT**

**WHEREAS**, Jefferson County is applying to the Montana Department of Commerce for a Community Development Block Grant (CDBG) to provide partial funding for the construction of the Big Boulder Residences; and

**WHEREAS**, Jefferson County has conducted one or more public hearings in conformance with CDBG requirements to obtain the views of citizens on community development and housing needs, and on the proposed activities; and

**WHEREAS**, Jefferson County and its designated partners have the legal jurisdiction and authority to construct, finance, operate and maintain Big Boulder Residences; and

**WHEREAS**, Jefferson County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application; and

**WHEREAS**, Tomas Lythgoe, Chair of the County Commission is authorized to submit this application on behalf of Jefferson County and to provide such additional information as may be required.

**NOW, THEREFORE, BE IT RESOLVED**, that the above designation shall become effective October 27, 2009.

**DATED** this 27<sup>th</sup> day of October, 2009.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe noted that also before the Commission is Appendix Q of the CDBG application.

Commissioner Weber moved to authorize Commissioner Lythgoe to sign the appendix Q. Commissioner Kirsch seconded. The motion carried.

**PUBLIC HEARING – PETITION TO ANNEX ADJACENT TERRITORY INTO THE BASIN VOLUNTEER FIRE DISTRICT**

Commissioner Lythgoe called the public hearing to order and called for comments.

Jim Culbert, chair of the Basin VFD, stated that there are no outstanding warrants or indebtedness associated with this fire department. Jim presented the Commission with a roster of the volunteers with their training level, list of vehicles, their budget, training and incidents that they have responded to with the number of responding volunteers.

Hearing no further comments, Commissioner Lythgoe closed the public hearing. Commissioner Lythgoe commended Jim for his presentation and stated that Basin Fire has come a long way in the past several years.

Commissioner Lythgoe noted that the Commission has received letters from two people that signed the petition and would now like to be removed. Commissioner Lythgoe read the letters into the record (letters on file in the Clerk and Recorder's office).

**RESOLUTION 35-2009 ANNEXATION OF ADJACENT TERRITORY INTO THE BASIN FIRE DISTRICT**

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

**RESOLUTION 36-2009 DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX**  
Commissioner Weber read the resolution as follows:

**RESOLUTION 36-2009**

**DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX**

**WHEREAS**, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1,

MCA, be distributed to the county in which the mine is located; and

**WHEREAS**, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by the State, as follows:

(1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and

(2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:

- (a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;
- (b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,
- (c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development or operation of the metal mine; and

**WHEREAS**, there are several metalliferous mines located within the boundaries of Jefferson County; and

**WHEREAS**, Jefferson County government has recently received \$187,346.00 as its share of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$187,346.00 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate

fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$187,346.00 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third ( $\frac{1}{3}$ ) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$37,469.20) shall only be used for planning or economic development activities.

5. That one-third ( $\frac{1}{3}$ ) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of elementary school districts. Wherefore, the County Commission has decided that the distribution of the Tunnels license tax will be administered to Clancy receiving 55%, Boulder receiving 40%, and Basin receiving 5% of the one-third allocation of the said sixty percent (60%). There is also a distribution using a pro-rata basis determined from the license taxes collected from all other mines within each such school district. Wherefore, the combined distributions shall be allocated and distributed to the following school districts which are affected by the development or operation of metal mines with an amount as follows:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$12,002.85 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of \$12,002.85 to be placed in said School District's Account No. 7713;

(iii) To the Clancy Elementary School District No. 1, the total sum of \$7,404.93 to be placed in said School District's Account No. 7712;

(iv) To the Boulder Elementary School District No. 7, the total sum of \$5,385.40 to be placed in said School District's Account No. 7715;

(v) To the Basin Elementary School District No. 5, the total sum of \$673.17 to be placed in said School District's Account No. 7714;



6. That one-third ( $\frac{1}{3}$ ) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$24,005.70 to be placed in said School District's Account No. 7762;

(ii) To the Boulder High School District No 1, the total sum of \$13,463.50 to be placed in said School District's Account No. 7761.

**DATED** this 27<sup>th</sup> day of October, 2009.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

**PUBLIC HEARING – AMENDMENT OF GROWTH POLICY IN ORDER TO SUPPORT  
SECONDARY VALUE-ADDED INDUSTRY TO JEFFERSON COUNTY**

Commissioner Lythgoe called the public hearing to order and called for comments.

Harold Stepper, County Planner, presented a staff report noting that the Growth Policy was adopted on June 18, 2003. It is now the wish of the Commission and citizens of Jefferson County to amend the Growth Policy to promote secondary value-added industry to Jefferson County.

Janet Cornish, Community Development Services of Montana, stated that she has been hired to help with the development of Tax Increment Finance districts in the north and south of the county. In order to create the district, there are statutory requirements which require that the areas are

zoned industrial. Janet explained that secondary value-added industry gives new value to goods through processing and manufacturing to make them more valuable.

Commissioner Weber stated that he understands that the growth policy is to be updated every five years, so we became out of compliance in 2008. He asked if this is a concern. Also, since the growth policy is to be revisited every five years, should we just be doing this small revision or should we be doing the whole growth policy. Harold said that they are in the process of updating the growth policy, and this change will be incorporated in that.

Hearing no further comment, Commissioner Lythgoe closed the public hearing.

Commissioner Lythgoe moved to accept the recommendation of staff to amend the growth policy. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 37-2009 RESOLUTION OF INTENT TO AMEND THE GROWTH POLICY IN ORDER TO SUPPORT SECONDARY VALUE-ADDED INDUSTRY TO JEFFERSON COUNTY

Commissioner Lythgoe moved to adopt the resolution of intent. Commissioner Weber seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Tom Harrington, JLDC, stated that he talked to the developer regarding the culinary school the previous day. They did a whiteboard presentation with the dean at the college. They are being pretty low-key at the moment. Related good news is that they are in the process of finalizing a historical preservation grant for renovations on one of the buildings at the south campus.

Second, Tom stated that he has been in correspondence with Elkhorn Goldfields regarding the Elkhorn Mine. Commissioner Lythgoe asked if this was mentioned at the Wednesday night meeting. Tom stated that due to SCC regulations, they were being pretty tight-lipped. Metal prices are up but they still need to find the operating capital.

Third, there were two items on the agenda today, the growth policy and the Mountain Horizons subdivision that are encouraging. The town of Whitehall has been working on growth policy and they are hoping to have a draft available in December. One of the big discussions has been regarding jurisdictional area. There was a lot of talk about the one-mile donut. What the town council decided was to keep the jurisdictional area to the city limits, but they would like to develop a MOU with the County that there would be cooperation when developments happen outside of the city limits that could impact the Town of Whitehall. The Mountain Horizons subdivision had a very well attended public meeting, but was Jefferson County planning board only and Whitehall planning meeting was held separately.

Commissioner Lythgoe stated that he agrees. He feels that when there is a subdivision that has impact on a town, there needs to be joint meetings, but not sure if it should be joint planning boards or the Commission and Town Council. As far as decision-making, the decision makers are

the Commission and the Town Council. In his mind, it should be the Commission and the Town Council, and the MOU should probably speak to that. Tom Harrington said that a lot of discussion comes up from the grass roots level at the planning board meetings, and this is something that the Commission and the Town Council doesn't necessarily need to sit in on. Tom noted that there is a bit of a disconnect between the county's and town's standards, so communication is important.

Commissioner Weber stated that they did start with the MOU for the planning departments, and it is starting a dialog. The MOU that Tom is addressing doesn't tie anyone down to anything, but starts the process of the two entities working together. He agrees with Commissioner Lythgoe that the final decision should come from the Commission and town.

Commissioner Weber moved to adjourn. Commissioner Kirsch seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**